REMARKS/ARGUMENTS

Claims 1-11 stand in the present application, claims 1, 6, 7 and 9 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claim 1 on the grounds of non-statutory double patenting over claims 1 and 3 of U.S. Patent Application No. 2005/0271046. Attached herewith is a Terminal Disclaimer for overcoming the provisional rejection based on the non-statutory double patenting grounds.

The Examiner has rejected claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by Hill. Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

The Examiner alleges that page 4 lines 21-29 of Hill discloses the "generating" element of claim 1. This feature of Applicants' invention is described at pages 9-11 of the present specification (see particularly page 9 lines 17-25). Claim 1 requires:

> (c) generating an allocation plan by reducing the number of queue requests relating to *each one or both sets of ports by a common value* such that the number of requests relating to each member of the set or sets of ports is no greater than a predetermined frame value. (emphasis supplied.)

Accordingly, claim 1 considers all the "N" input queues (or all the "M" output queues, or all the "N"x"M" input/output queues) together, and reduces the number of requests in each such queue by a common factor, i.e., $d = F/\max(F, mval)$ where F is the frame length and *mval* is the length of the longest queue.

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To the contrary, Hill discloses "reducing the number of requests for those input-output ports where the total number of requests is greater than the maximum request capacity of each input port and each output port such that the number of requests is less than or equal to maximum request capacity of each input port and each output port." Thus, present claim 1 patentably distinguishes over Hill in which only those queues that exceed the maximum length are reduced, and each such queue is reduced by a respective factor only sufficient to bring that particular queue down to the maximum request capacity for that queue. See Hill at page 4, lines 17-25 (cited by the Examiner). Applicants' invention is computationally simpler, but does not completely fill the frame – which is why it is preferably used in conjunction with a second process to complete the frame.

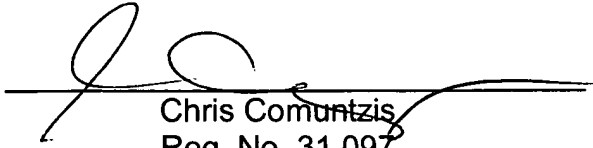Accordingly, claim 1 and dependent claims 2-11 patentably define over Hill.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-11, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

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